

SENATE BILL REPORT

SB 6377

As Reported by Senate Committee On:
Natural Resources & Parks, February 3, 2016

Title: An act relating to administrative processes of the state parks and recreation commission that require a majority vote of the commission.

Brief Description: Concerning administrative processes of the state parks and recreation commission that require a majority vote of the commission.

Sponsors: Senators Pearson, Jayapal, Rolfes, Takko, Dansel, Warnick and Hewitt.

Brief History:

Committee Activity: Natural Resources & Parks: 1/27/16, 2/03/16 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Hewitt and Warnick.

Minority Report: Do not pass.

Signed by Senators Chase and Fraser.

Minority Report: That it be referred without recommendation.

Signed by Senator Jayapal, Ranking Member.

Staff: Curt Gavigan (786-7437)

Background: State Parks and Recreation Commission (Commission). The Commission consists of seven members appointed by the Governor with the advice and consent of the Senate. A majority of Commission members constitute a quorum.

Under the Commission's procedural rules, a majority vote of the Commissioners present is required to pass an item brought to vote unless the law requires a unanimous vote. By statute, several Commission decisions must be unanimous votes. These include leases in excess of 20 years, land sales or exchanges, and the disposal of real property to resolve boundary and ownership issues with adjacent landowners.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State Parks Long Term Lease Authority. The Commission has broad authority over the management of state parks, including the management, policy, and rulemaking authority. Among these authorities, the Commission is specifically authorized to grant concessions and leases in state parks. The maximum lease term under current law is 50 years, and any lease of more than 20 years requires a unanimous vote of the Commission. Long-term concession or lease rates must be renegotiated every five years.

Summary of Bill (Recommended Substitute): Modifies Voting Requirements for Certain Land Disposals. In general, the affirmative vote of at least four Commissioners is placed in statute as the threshold to pass any proposition before the Commission. However, the Commission may adopt rules that require a higher voting threshold.

Several specific authorities are modified from requiring a unanimous vote to requiring five votes. These are:

- approval of leases of more than 20 years;
- land sales or exchanges; and
- disposals to resolve boundary and ownership issues with adjacent landowners.

Expands Long Term Lease Authority. The allowed maximum lease term for state parks is increased from 50 to 80 years. Leases of more than 20 years require at least five votes from the Commission. The Commission must provide an opportunity for public review and comment on potential environmental impacts of any lease subject to review under the State Environmental Policy Act.

Instead of a mandatory lease renegotiation every five years, the Commission must review leases at least every five years and make modifications to reflect market conditions at its discretion.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute):

- Requires an affirmative vote of at least five members of the Commission to approve a long term lease or land disposal;
- makes technical corrections; and
- changes the title.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: State Parks is taking steps to be a good partner, as is seen at Ft. Warden and discussions around St. Edwards. Conversations with experts have indicated 60 to 80 years is the right amount of flexibility for

a long term lease. State Parks hopes to use the minimum lease length necessary to create successful partnerships. The change in the unanimous vote requirement can help the agency have additional flexibility it may need to make land transactions. The current voting requirement can put Commissioners in a tough position. The bill is about providing additional flexibility and tools.

CON: There is a passion for St. Edwards State Park and the beauty of the whole system. However, there needs to be accountability for the Commission and there are concerns about reducing the voting criteria and the maximum lease term.

OTHER: State Parks needs the flexibility to enter into promising partnerships as provided by the 80 year lease authority, but there are concerns about the loss of the unanimity requirement for land transactions.

Persons Testifying on Original Bill: PRO: David Baker, Mayor of Kenmore; Doug Levy, Washington Recreation and Park Association; Daniel Farber, Mark Brown, WA State Parks; Chris Moore, Washington Trust for Historic Preservation.

CON: Sandra Bennage, citizen.

OTHER: Tom Riggs, President, Parks Local 1466 WFSE.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.